

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM NYLE NIBLE,
Plaintiff,
v.
JEFF MACOMBER, et al.,
Defendants.

No. 2:24-cv-01259-DJC-CSK
ORDER
(ECF No. 48.)

This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. On January 27, 2025, the Magistrate Judge filed findings and recommendations (ECF No. 48), which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen (14) days. On February 13, 2025, Plaintiff filed late objections to the findings and recommendations. (ECF Nos. 52, 53.) On January 20, 2025, Defendant Raskin-Li filed a reply to Plaintiff's objections. (ECF No. 57.) These filings have been considered by the Court.

This Court reviews de novo those portions of the proposed findings of fact to which an objection has been made. 28 U.S.C. § 636(b)(1); *McDonnell Douglas Corp. v. Commodore Business Machines*, 656 F.2d 1309, 1313 (9th Cir. 1981); see also *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009). As to any portion of the

1 proposed findings of fact to which no objection has been made, the Court assumes its
2 correctness and decides the matter on the applicable law. *See Orand v. United States*,
3 602 F.2d 207, 208 (9th Cir. 1979). The Magistrate Judge's conclusions of law are
4 reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th
5 Cir. 1983).

6 The court has reviewed the applicable legal standards and, good cause
7 appearing, concludes that it is appropriate to adopt the findings and
8 recommendations in full. Accordingly, IT IS HEREBY ORDERED that:

- 9 1. The findings and recommendations (ECF No. 48) are ADOPTED IN FULL;
- 10 2. Defendant Raskin-Li's motion to dismiss (ECF No. 30) the claims against her
11 in the FAC is GRANTED without leave to amend;
- 12 3. Defendant Raskin-Li is dismissed from this action; and
- 13 4. This matter is referred back to the assigned Magistrate Judge for all further
14 pretrial proceedings.

15
16 IT IS SO ORDERED.

17 Dated: **March 28, 2025**


Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE